



Docket No. 2292-023

#19/A
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Michael Paul WOLF, et al.

Serial No.: 09/731,048

Filed: December 07, 2000

For: CONTROL, SOUND, AND OPERATING SYSTEM FOR MODEL TRAINS

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Group Art Unit: 3617

Examiner: Mark Le

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AMENDMENT

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated December 7, 2001, having a three-month shortened statutory period for response set to expire on March 7, 2002, and the petition for a two-month extension of time up to and including May 7, 2002 being filed concurrently herewith, reconsideration of the above-identified application is respectfully requested in view of the following amendment and remarks.

RESTRICTION

The Examiner maintains the restriction requirement by alleging that "the focus of each group is different from each other" However, it is submitted that a Restriction can not be made simply because the claims focus on different aspects of the same combination. Nothing in the MPEP appears to support the Examiner's position that differing claim focus is sufficient grounds to restrict claims; unless of course the claims are divisible by virtue of the specified groupings (e.g., combination-subcombination, etc.), which is not present in the instant case for the reasons previously submitted.